

United States District Court
Southern District of Texas
Texas

United States Courts
Southern District of Texas
FILED

FEB 05 2024

Nathan Ochsner, Clerk of Court

Maribel Santana-Cesano,
Plaintiff

v.

Case No.: 4:19-cr-00488-001

United States of America,
Defendant

Sentence Reduction Pursuant To
28 U.S.C. 3582(c)(2) United States
Sentencing Commission's Amendment
821 Part B

Comes now, Maribel Santana-Cesano known herein as the Plaintiff in Pro Se, in necessity seeking this Honorable Court to grant a two (2) level reduction to her sentencing guidelines pursuant to 28 U.S.C. 3582(c)(2) part B to the 821 Sentencing Commissions Amendment that became retroactive November 1, 2023.

Background

The Plaintiff was found guilty by plea agreement to 924 (A)(2) False statement in connection with the purchase of a firearm and was sentenced to 120 months imprisonment with 2 years supervision.

She was sentenced on 3-09-2022 in the Southern District of Texas. Sentencing was done in Honorable Judge Hughes Court. The Plaintiff has a projected release date of 1-17-2030.

Facts

Mrs. Cerano received a base offense level of 32 with a guideline range of 121 to 151. The Plaintiff has a criminal history of 7ccs.

According to the new retroactive sentencing commission amendment 821 Part B a one point level reduction is warranted which would lower this Plaintiff's sentencing guideline range from 121 - 151 months to 87 - 108 months.

The Plaintiff would move the government to agree to the lower end being 87 months. Furthermore, the Plaintiff would show that the Chapter Four 4C1.1 adjustment for certain Zero-Point Offenders have been met. In regards to number (7) "the defendant did not possess, receive, purchase, transport, transfer, sell or otherwise dispose of a firearm or other dangerous weapon in connection with the offense."

Number (7) does not apply in this case. The important wording is "the defendant" and in this case "the defendant" did NOT possess, receive, purchase, transport, transfer, sell or otherwise dispose of any firearm and therefore, number (7) would not prevent the Plaintiff to receiving the two level reduction to her sentencing guideline range.

The Federal Bureau of Prisons have given the Plaintiff a security level of minimum (the lowest security level) and a violent level of zero.

See United States V. Leonardo Hernandez, 2024 U.S. District LEXIS 5550 (S.D. Ill. Jan. 10, 2024)

On August 23, 2023, the defendant was sentenced to serve a term of 70 months. The defendant's total offense level at sentencing was 27, and his criminal history category was I, which provided for a sentence of 70-87 months.

The retroactive amendment to USSG 4C1.1 will reduce defendant's offense level from 27 to 25 which results in a lower advisory guideline sentencing range of 57 to 71 months. The parties agreed and reduced defendant's sentence from 70 months to 57 months which will become effective February 1, 2024. Also See ; United States V. Sherry R. Heitman, 2024 U.S. Dist. LEXIS 6296 (S.D. Ill. January 11, 2024) The defendant's offense level was reduced from 29 to 27. The results being a reduction from 87 months to 49 months or time served.

Conclusion

The Plaintiff has shown this Honorable Court that a two level reduction to her sentencing guidelines is indeed warranted and she prays the reduction is GRANTED speedily.

Done This 23rd Day of January, 2024

blmblu
X Maribel Sandoval Gómez

Certificate Of Service

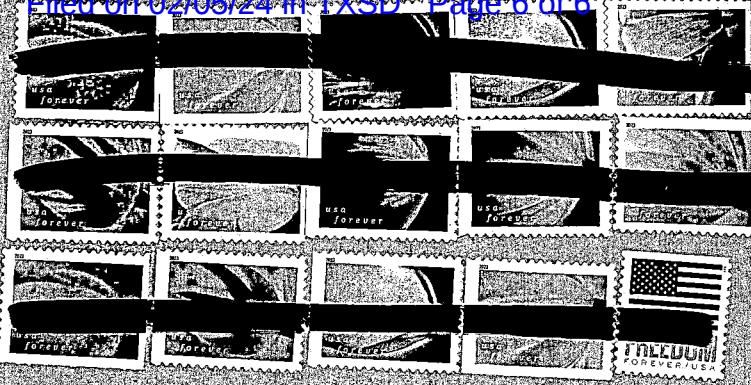
I the undersigned do hereby certify this foregoing motion has been sent to the Clerk of this Court via, prepaid postage affixed. Further she request a copy be provided to all parties as she is detained.

Done This 23rd Day of January, 2024

Humbly,

X Maribel Santana Correa

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Federal Medical Center Carswell
PO Box 27137
FT. WORTH TX 76127



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